



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/777,130	02/13/2004	Sean Register	22111.00	3808

37833 7590 05/22/2006

LITMAN LAW OFFICES, LTD
PO BOX 15035
CRYSTAL CITY STATION
ARLINGTON, VA 22215

EXAMINER

CHAPMAN, JEANETTE E

ART UNIT	PAPER NUMBER
----------	--------------

3635

DATE MAILED: 05/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/777,130

Applicant(s)

REGISTER, SEAN

Examiner

Chapman E. Jeanette

Art Unit

3635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>2/13/04</u> . | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 4-7, 9, 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson. Johnson (5571596). Johnson discloses a wind resistant roof slate assembly comprising:

1. a plurality of generally rectangular lightweight overlapping roof slates
2. a plurality of windlock anchors of nails which may be employed for directly securing the mounting end of the slates to a roof of a building; see figures 1-3
3. the windlock members may extend through the mounting end into the roof to provide a wind resistant connection; see figures 6B and 7
4. a sealer applied to the top surface of the slate; the particular type of sealer has been considered a matter of choice; one of ordinary skill in the art would have appreciated using any known sealer capable of fulfilling the intended function of the roof assembly
5. the roof slates are disposed on the roof so that the distal end of the first of the roof slates overlaps the mounting end of an adjacent roof slate; see figure 1

Johnson discloses of a nail; the claims recite a screw with a washer. Screws are known alternative over nails providing a more adjustable securing means.

Johnson also discloses an asphalt/mortar adhesive on the top layer to adhere the slate below to the slate above; the above referenced application discloses adhesive on the bottom to secure the slate above to the slate below; both methods teach adhering adjacent courses of slates by the use of adhesive to the slate. The significance of one method over another is not viewed as critical but within the scope of the invention to Johnson.

Claims 2-3, 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson in view of Pike (5533313). Pike discloses a plurality of roof slates having weatherproof underlayment 60 of granular felt. . The mounting end of the roof slates are mounted to the underlayment by windlock members 80. It would have been obvious to one of ordinary skill in the art to modify Johnson to include the underlayment to provide a weatherproof roof structure.

Claims 8 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson in view of Gregg et al (6787486). Johnson discloses a concrete slate but lacks that of aerated conclave type as disclosed by Gregg et al. It would have been obvious to one of ordinary skill in the art to modify Johnson to employ this type of concrete because this type of concrete has good strength, low weight , good thermal insulation properties, good sound deadening properties and high resistance to fire as taught by Gregg et al.

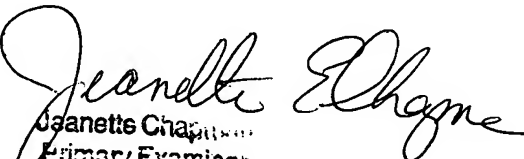
Application/Control Number: 10/^{10/777,130}~~642,222~~
Art Unit: 3635

Page 4

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chapman E Jeanette whose telephone number is 571-272-6841. The examiner can normally be reached on Mon.-Fri, 8:30-6:00, every other fri. off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Friedman Carl can be reached on 571-272-6842. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Jeanette Chapman
Primary Examiner